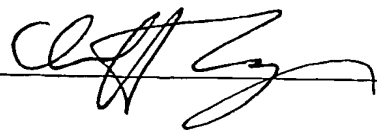


CERTIFICATE OF TRANSMISSION
I hereby certify that this 7-page correspondence is being facsimile transmitted
to the Patent and Trademark Office-Fax No. (571-273-0419)

On 01/03/08
(Date)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Thomas LANDAZURI

Serial No.: 10/585,198

International App. No.: PCT/EP03/14985

Filed: December 30, 2003

Examiner: Bryan Lin

For: CREAM FILLER COMPOSITION AND METHOD FOR PREPARING

RECEIVED

JAN 03 2008

PCT SPECIAL
PROGRAMS OFFICE

RENEWED PETITION UNDER 37 CFR 1.47(b)

To the Director of Patents and Trademarks

Sir:

In response to the Decision mailed November 28, 2007, kindly consider this request for reconsideration and the attached additional evidence. This Renewed Petition incorporates by reference the evidence and statements of the Petition for Filing Without Inventor's Signature Under 37 CFR 1.47(b) filed October 17, 2007 and Additional Evidence filed October 18, 2007 and November 1, 2007. The attached additional documentary evidence (Annexes 9, 10, and 11) provide the information lacking in the original Petition (identified in the Decision as item 2, item 4, and item 5).

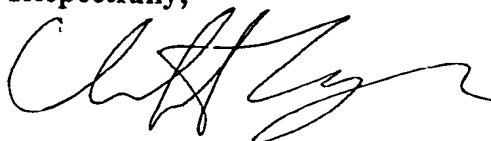
Annex 9 is a declaration executed by the 37 CFR 1.47(b) applicant (Tate & Lyle Europe NV) on behalf of and as agent for the nonsigning inventor Thomas Landazuri. The declaration was executed by the Managing Director of Tate & Lyle Europe NV, Jan Hutsebaut. Annex 10 is an affidavit from Carol Vandeputte, the person who actually sent the papers to the inventor and to whom the refusal was made, stating that the nonsigning inventor refused to sign. Annex 11 is an affidavit from Roland Coen of Tate & Lyle Europe NV, stating that he has first-hand knowledge that the invention was made by the inventor during and as a result of his employment with the assignee.

Applicant believes that this additional evidence satisfies all of the requirements of the code section and supplies all of the documents identified as lacking in the Decision. As a result, the Petition should be granted and the Application accepted.

CONCLUSION

Acceptance of the petition and application are requested.

Respectfully,

A handwritten signature in black ink, appearing to read 'James C. Wray', with a stylized, flowing script.

James C. Wray, Reg. No. 22,693
Clifford D. Hyra, Reg. No. 60,086
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

Date: January 3, 2008

Annex 9

PTO/SB/01 (09-04)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration
Submitted
With Initial
Filing

OR

☒Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number

KOB

First Named Inventor

Thomas Landazuri

COMPLETE IF KNOWN

Application Number

10/585,198

Filing Date

06/30/2006

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Cream Filler Composition and Method for Preparing

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

06/30/2006

as United States Application Number or PCT International

Application Number

10/585,198

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/EP2003/014985	PCT	12/30/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/01 (09-04)

Approved for use through 07/31/2008, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input type="checkbox"/> The address associated with Customer Number:	OR		<input checked="" type="checkbox"/> Correspondence address below
Name James C. Wray					
Address 1493 Chain Bridge Road, Suite 300					
City McLean		State VA		ZIP 22101	
Country U.S.		Telephone (703) 442-4800		Fax (703) 448-7397	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:			<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Thomas			Family Name or Surname Landazuri		
Inventor's Signature ✓ Jan Hutsebaut			on behalf of Thomas LANDAZURI		Date ✓ 17/12/2007
Residence: City Aalst		State Director	Country Belgium		Citizenship Belgian
Mailing Address Burchtstraat 10					
City Aalst		State		Zip B-9300	Country Belgium
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))			Family Name or Surname		
Inventor's Signature			Date		
Residence: City		State	Country		Citizenship
Mailing Address					
City		State		Zip	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

KOB

intellectual property services

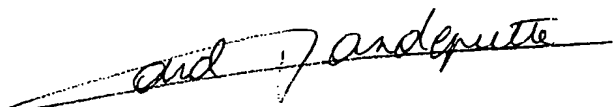
octrooien - merken - modellen | brevets - marques - modèles |
patents - trademarks - designs

Annex 10

AFFIDAVIT

Kortrijk, December 27th, 2008

I, Carol Vandeputte, hereby declare that I contacted Mr. Tomas Landazuri several times by E-mail requesting him to sign a declaration form and an assignment document (these documents being added in attachment to these E-mails). However, he answered me back by E-mail stating that he refused to sign these papers for the reason that he did not work at Tate & Lyle Europe NV anymore, and he did not feel comfortable with these papers.



Mrs. Carol Vandeputte, Ing.

KOB nv

Pres. Kennedypark 31c, B-8500 Kortrijk
Tel. +32 56 21 35 38. Fax +32 56 21 60 14
info@kob.be, www.kob.be

BTW/TVA/VAT BE 0450.490.071, RPR Kortrijk

bankrekeningen | comptes bancaires | bank accounts

KBC-Kortrijk no. 460-0471121-32 IBAN BE 90 4600 4711 2132 SWIFT : KREDBE85
DEXIA-Kortrijk no. 068-2157844-09 IBAN BE 52 0682 1578 4409 SWIFT : GKCCBEBBpostrekening | compte postal | post account
BE 000-1596198-63

TATE & LYLE

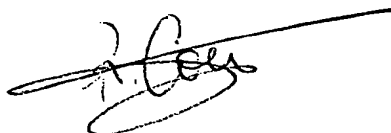
CONSISTENTLY FIRST IN RENEWABLE INGREDIENTS

Annex 11

AFFIDAVIT

Aalst, December 18, 2007

I, Roland Coen, hereby confirm that I prepared the draft proposal of the patent application related to the invention of Tomas Landazuri. This shows that I had firsthand knowledge of the present invention being made by the inventor during and as a result of his employment with the assignee.

A handwritten signature in black ink, appearing to read 'R. Coen', with a long horizontal line extending to the right.

Roland Coen